

**RILEY AND FANELLI, P.C.**  
**ATTORNEYS**

**The Necho Allen  
No. 1 Mahantongo Street  
Pottsville, PA 17901  
(570) 622-2455  
FAX (570) 622-5336**

[aevans@rileyandfanelli.com](mailto:aevans@rileyandfanelli.com)

ALBERT J. EVANS

May 31, 2011

**\*FILED ELECTRONICALLY\***

Honorable James M. Munley  
United States District Court  
Middle District of Pennsylvania  
William J. Nealon Federal Building & U.S. Courthouse  
235 N. Washington Avenue  
P.O. Box 1148  
Scranton, PA 18501

**RE: Diana Consugar v. Nationwide Insurance Company of America  
No. 3:10-CV-2084**

Dear Judge Munley:

This letter is to respectfully inquire regarding the status of a decision by Your Honor regarding a discovery dispute between the parties. Specifically, the Defendant Nationwide has refused to disclose an unredacted claims file related to the subject claim along with claims and underwriting manuals. On April 7, 2011 this Court held a telephone conference to discuss the discovery dispute. The Court ordered briefs to be submitted by the parties within seven days which both parties did on April 14, 2011. Defendant filed a motion to extend the discovery deadlines in part based on this discovery dispute. Depositions of the Defendant's designee have been adjourned because of this discovery dispute and are currently rescheduled for June 10, 2011. We may have to once again adjourn depositions, however, the discovery deadline has been set for July 15, 2011 which approximately 45 days from today's date.

I am hoping the Court can have the opportunity to review the issue and make a decision. Thank you for your attention to this matter and if you have any questions or comments, please feel free to contact me.

Very truly yours,

*/s/ Albert J. Evans, Esquire*  
ALBERT J. EVANS

AJE/cmj

cc: Charles E. Haddick, Jr., Esquire (Via Email Only)  
Edward J. McKarski, Esquire (Via Email Only)